

Rule 29. Procedures During Period of Emergency Protective Care**29.01 Release from Emergency Protective Care****Subdivision 1. Child Taken Into Emergency Protective Care Pursuant to Court Order.**

(a) **Release Prohibited.** A child taken into emergency protective care pursuant to a court order shall be held for seventy-two (72) hours unless the court issues an order authorizing release.

(b) **Release Required.** A child taken into emergency protective care pursuant to a court order shall not be held in emergency protective care for more than seventy-two (72) hours unless an emergency protective care hearing has commenced pursuant to Rule 30 and the court has ordered continued protective care.

Subd. 2. Child Taken Into Emergency Protective Care Without Court Order.

(a) **Release Required.** A child taken into emergency protective care without a court order shall be released unless an emergency protective care hearing pursuant to Rule 30 has commenced within seventy-two (72) hours of the time the child was removed from home and the court has ordered continued protective care.

(b) **Discretionary Release by Peace Officer or County Attorney.** When a peace officer has taken a child into emergency protective care without a court order, the peace officer, peace officer's supervisor, or the county attorney may release the child any time prior to an emergency protective care hearing. The peace officer, the peace officer's supervisor, or the county attorney who releases the child may not place any conditions of release on the child.

2003 Advisory Committee Comment

When calculating the seventy-two (72) hour period referenced in Rule 29.01, pursuant to Rule 4.01 the day the child was removed from home and any Saturday, Sunday, or legal holiday is not counted. The last day of the period shall be included, unless it is a Saturday, Sunday, or legal holiday in which event the period runs to the end of the next day that is not a Saturday, Sunday, or legal holiday.

29.02 Discretionary Release by Court; Custodial Conditions

The court at any time before an emergency protective care hearing may release a child and may:

(a) place restrictions on the child's travel, associations, or place of abode during the period of the child's release; and

(b) impose any other conditions upon the child or the child's parent or legal custodian deemed reasonably necessary and consistent with criteria for protecting the child.

Any conditions terminate after seventy-two (72) hours unless a hearing has commenced pursuant to Rule 30 and the court has ordered continuation of the condition.

29.03 Release to Custody of Parent or Other Suitable Person

A child released from emergency protective care shall be released to the custody of the child's parent, legal custodian, or other suitable person.

29.04 Reports

Subdivision 1. Report by Peace Officer. Any report required by Minnesota Statutes, section 260C.176, subdivision 6, shall be filed with the court on or before the first court day following placement of the child and the report shall include at least:

- (a) the time the child was taken into emergency protective care;
- (b) the time the child was delivered for transportation to the shelter care facility;
- (c) the reasons why the child was taken into emergency protective care;
- (d) the reasons why the child has been placed;
- (e) a statement that the child and the child's parent or legal custodian have received the advisory required by Minnesota Statutes, section 260C.176, subdivision 3, or the reasons why the advisory has not been made; and
- (f) reasons to support the non-disclosure, if disclosure of the location of the placement has not been made because there is reason to believe that the child's health and welfare would be immediately endangered.

Subd. 2. Report by Supervisor of Shelter Care Facility. Any report required by Minnesota Statutes, section 260C.176, subdivision 6, shall be filed with the court on or before the first court day following placement. The report shall include, at least, acknowledgement of receipt of the child and state the time the child arrived at the shelter care facility.

(Amended effective January 1, 2004.)